

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

HOLOGIC, INC., a Delaware corporation; and
CYTYC SURGICAL PRODUCTS, LLC, a
Massachusetts limited liability company,

Plaintiffs,
v.

MINERVA SURGICAL, INC., a Delaware
corporation,

Defendant.

C.A. No. 20-925-JFB-SRF

JOINT MOTION FOR TELECONFERENCE TO RESOLVE DISCOVERY DISPUTES

Plaintiffs Hologic, Inc. and Cytac Surgical Products, LLC (collectively, “Hologic”) and Defendant Minerva Surgical, Inc. (“Minerva”) respectfully move this Court to schedule a teleconference to address outstanding disputes regarding the following discovery matters:

1. Minerva produced an opinion of independent (not trial) counsel in the First Action on February 1, 2017 and currently intends to rely upon the opinion of counsel to rebut a charge of willfulness. The parties dispute the scope of the privilege waiver. This dispute impacts the scope of deposition testimony, including 30(b)(6) deposition testimony, and the production of documents.
2. The deposition of Minerva’s founder, Mr. Csaba Truckai.

The parties request resolution of these issues at the Court’s earliest convenience, preferably during the Status Conference already scheduled on Tuesday, January 5, 2021, at 1:00 p.m. The close of fact discovery is December 30, opening expert reports are due on January 18, and the dispute on the scope of the privilege waiver impacts the 30(b)(6) deposition, individual depositions, and Minerva’s production of documents.

The following attorneys, including at least one Delaware Counsel and at least one Lead Counsel per party, participated in a verbal meet-and-confer by telephone on December 15, 2020:

Delaware Counsel:

- Karen L. Pascale, attorney for Hologic
- Ian Liston, attorney for Minerva

Lead Counsel:

- Ryan J. Casamiquela, Nicholas M. Nyemah, attorneys for Hologic
- Erik J. Carlson and Olivia M. Kim, attorneys for Minerva

The parties are available for a teleconference on Tuesday, January 5, 2021 at 1:00 p.m. (the same date and time on which the Court scheduled the Status Conference (*see* D.I. 20, Scheduling Order at ¶ 8), with the following briefing dates:

- Opening letter brief on Tuesday, December 29, 2020, at 1:00 p.m.; and
- Responsive letter brief on Wednesday, December 30, 2020, at 1:00 p.m.

DATED: December 21, 2020

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